

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

## **ORDER**

Before the Court is Plaintiff's Attorney's Motion for 42 U.S.C. § 406(b) Attorney Fees Doc. 25). Plaintiff's Attorney seeks \$18,718.50. Section 206(b)(1)(A) of the Social Security Act, 42 U.S.C. § 406(b)(1)(A), provides that a court may award a "reasonable" attorney fee not in excess of 25% of past-due benefits under Title II of the Social Security Act for an attorney's representation of a plaintiff for Title II benefits before that court. In *Gisbrecht v. Barnhart*, 535 U.S. 789, 122 S. Ct. 1817 (2002), the Supreme Court set forth the method for calculating a "reasonable" 42 U.S.C. § 406(b) fee. Plaintiff's Attorney asserts and demonstrates that their request is consistent with *Gisbrecht* and Defendant agrees. (Doc. 21).

As Plaintiff has acknowledged, when an attorney receives fees under both the Equal Access to Justice Act and § 406(b), the attorney must refund the smaller fee to the claimant. *See Gisbrecht*, 535 U.S. at 796. Plaintiff's Attorney was previously awarded \$6,000.00 in Equal Access to Justice Act fees. Therefore, Plaintiff's Attorney's Motion is **GRANTED**, and it is **ORDERED** that Plaintiff's Attorney is awarded \$18,718.50. Plaintiff's Attorney is further **ORDERED** to reimburse Plaintiff for \$6,000.00 awarded in Equal Access to Justice Act fees.

**IT IS SO ORDERED.**

Dated: April 14, 2021

*/s/ Douglas Harpool*  
**DOUGLAS HARPOOL**  
**United States District Judge**